

04-28-03

CPA/8  
514413-3669  
PTO/SB/29 (10/00)

Approved for use through 10/31/2002. OMB 0651-0032  
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## CONTINUED PROSECUTION APPLICATION (CPA) REQUEST TRANSMITTAL

Submit an original, and a duplicate for fee processing.  
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable:  
☐ **DUPLICATE**

Address to:

Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

|  |               |
|--|---------------|
| Attorney Docket No. of Prior Application | 514413-3669   |
| First Named Inventor                     | Donn et al.   |
| Examiner Name                            | David T. Fox  |
| Group/Art Unit                           | 1638          |
| Express Mail Label No.                   | EV345017525US |

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MAY 05 2003

TECH CENTER 1600/2900

This is a request for a ☒ continuation or ☐ divisional application under 37 C.F.R. 1.53(d), (continued prosecution application (CPA)) of prior application number 09/155,921, filed on 5/13/99, entitled Process for the Production of Plants with Enhanced Growth

### NOTES

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 C.F.R. 1.51(b) or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000); 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 C.F.R. 1.53(d), but must be filed under 37 C.F.R. § 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 C.F.R. 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 C.F.R. 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 C.F.R. 1.78(a).

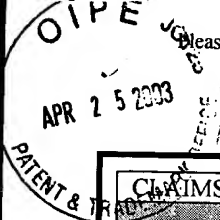
**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

1. ☒ Enter the unentered amendment previously filed on March 20, 2003 under 37 C.F.R. 1.116 in the prior nonprovisional application.
2. ☐ A preliminary amendment is enclosed.
3. This application is filed by fewer than all the inventors named in the prior application, 37 C.F.R. 1.53(d)(4).
  - a. ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:
  - b. ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
4. ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
5. Information Disclosure Statement (IDS) is enclosed:
  - a. ☐ PTO-1449
  - b. ☐ Copies of IDS Citations

04/30/2003 CNGUYEN 00000092 09155921

01 FC:1006  
02 FC:1203

750.00 OP  
280.00 OP



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| CLAIMS  | (1) FOR | (2) NUMBER FILED | (3) NUMBER EXTRA | (4) RATE                        | (5) CALCULATIONS |
|---|---------|------------------|------------------|---------------------------------|------------------|
| TOTAL CLAIMS<br>(37 CFR. 1.16(c) or (j))                        |         | 9 - 20* =        | 0                | x \$ 18 =                       | \$ 0.00          |
| INDEPENDENT CLAIMS<br>(37 CFR. 1.16(b) or (i))                  |         | 2 - 3** =        | 0                | x \$ 84 =                       | 0.00             |
| MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))      |         |                  |                  | + \$ 280 =                      | 280.00           |
|   |         |                  |                  | BASIC FEE<br>(37 C.F.R. § 1.16) | 750.00           |
| Total of above Calculations =                                   |         |                  |                  |                                 | \$ 1030.00       |
| Reduction by 50% for filing by small entity (Note 37 CFR 1.27). |         |                  |                  |                                 |                  |
| * Reissue claims in excess of 20 and over original patent.      |         |                  |                  |                                 |                  |
| ** Reissue independent claims over original patent              |         |                  |                  |                                 |                  |
| TOTAL =   |         |                  |                  |                                 | \$ 1030.00       |

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6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27)
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. **50-0320**
- a. ☐ Fees required under 37 C.F.R. 1.16.
- b. ☒ Fees required under 37 C.F.R. 1.17.
- c. ☐ Fees required under 37 C.F.R. 1.18.
8. ☒ A check in the amount of \$1030.00 is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☐ New Attorney Docket Number, if desired \_\_\_\_\_  
[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503).
13. ☐ Other: \_\_\_\_\_

**NOTE:** The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label

\*20999\*

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(Insert Customer No. or Attach bar code label here)

or ☐ New correspondence address below

|         |                             |           |                |          |                |
|---------|-----------------------------|-----------|----------------|----------|----------------|
| Name    | Marilyn Matthes Brogan      |           |                |          |                |
|         | FROMMER LAWRENCE & HAUG LLP |           |                |          |                |
| Address | 745 Fifth Avenue            |           |                |          |                |
| City    | New York                    | State     | NY             | Zip Code | 10151          |
| Country | U.S.                        | Telephone | (212) 588-0800 | Fax      | (212) 588-0500 |

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                                   |                        |
|-----------------------------------|------------------------|
| Name (Print/Type)                 | Marilyn Matthes Brogan |
| Signature                         |                        |
| Registration No. (Attorney/Agent) | 31,223                 |
| Date                              | April 25, 2003         |